

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JERRY CLARK,

Plaintiff,

v.

**1:14-CV-1349
(TJM/ATB)**

**COMMISSIONER OF SOCIAL SECURITY,
Defendant.**

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

In this action, Plaintiff Jerry Clark seeks judicial review of a decision by the Commissioner of Social Security to deny plaintiff's application for Social Security Disability Insurance Benefits ("DIB"). The Court referred this matter to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule N.D.N.Y. 72.3(c).

In his October 21, 2015 Report-Recommendation, Magistrate Judge Baxter recommends that the decision of the Commissioner be affirmed and plaintiff's complaint be dismissed. Dkt. # 21. Plaintiff lodges objections to Magistrate Judge Baxter's recommendations, Dkt. # 22, and the Commissioner submits a response thereto. Dkt. # 23.

II. STANDARD OF REVIEW

When objections to a magistrate judge's report and recommendation are lodged, the district court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1)(C); see also United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir.1997)(The Court must make a *de novo* determination to the extent that a party makes specific objections to a magistrate's findings.). General or conclusory objections, or objections which merely recite the same arguments presented to the magistrate judge, are reviewed for clear error. Farid v. Bouey, 554 F. Supp. 2d 301, 306 n. 2 (N.D.N.Y. 2008); see Frankel v. N.Y.C., 2009 WL 465645 at *2 (S.D.N.Y. Feb. 25, 2009). After reviewing the report and recommendation, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1)(C).

III. DISCUSSION

On *de novo* review of those portions of the Report-Recommendation to which objection is made, the Court agrees with Magistrate Judge Baxter's conclusions. Therefore, the Court accepts and adopts Magistrate Judge Baxter's recommendations for the reasons stated in his thorough report.

IV. CONCLUSION

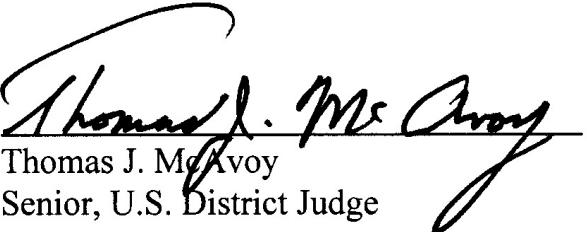
For the reasons discussed above, the Court accepts and adopts Magistrate Judge Baxter's recommendations for the reasons stated in his Report-Recommendation [Dkt. #

21]. The decision by the Commissioner of Social Security to deny plaintiff's application for Social Security Disability Insurance Benefits ("DIB") under the Social Security Act is **AFFIRMED**, and plaintiff's Complaint is **DISMISSED**.

The Clerk of the Court may close the file in this matter.

IT IS SO ORDERED.

Dated: March 14, 2016



Thomas J. McAvoy
Senior, U.S. District Judge